

Amendments to House Bill No. 460  
3rd Reading Copy

Requested by Representative Ken Peterson

For the Senate Taxation Committee

Prepared by Lee Heiman  
March 16, 2011 (7:24am)

1. Title, page 1, line 6.

**Following:** "TOWNHOUSES;"

**Insert:** "CONFORMING PROVISIONS OF THE UNIT OWNERSHIP ACT WITH THE  
DEFINITIONS OF "TOWNHOUSE"AND "TOWNHOME";"

2. Title, page 1, line 7.

**Strike:** the first "AND"

**Following:** "70-23-103,"

**Insert:** "70-23-301, AND 76-3-203,"

3. Page 5, line 30.

**Insert:** "Section 3. Section 70-23-301, MCA, is amended to read:

"70-23-301. Contents of declaration. A declaration must  
contain:

(1) a description of the land, whether leased or in fee  
simple, on which the building is located or is to be located;

(2) the name by which the property will be known and a  
general description of the building, including the number of  
stories and basements, the number of units, and the principal  
materials of which it is constructed;

(3) the unit designation, location, approximate area of  
each unit, and any other data necessary for proper  
identification;

(4) a description of the general common elements and the  
percentage of the interest of each unit owner in the common  
elements;

(5) a description of the limited common elements, if any,  
stating to which units their use is reserved and in what  
percentage;

(6) a statement of the use for which the building and each  
of the units is intended;

(7) the name of a person to receive service of process in  
the cases provided in 70-23-901 and the residence or place of  
business of the person which must be within the county in which  
the property is located;

(8) an exhibit containing certification from the applicable  
local government that the condominiums, townhomes, or townhouses  
are either exempt from review under 76-3-203 or have been  
approved following review under Title 76, chapter 3, parts 5 and  
6; and

(9) any other details regarding the property that the person executing the declaration considers desirable."

{ Internal References to 70-23-301:

70-23-103 a 70-23-302 x 70-23-302 x 70-23-902x }"

**Insert: "Section 4. Section 76-3-203, MCA, is amended to read:**

**"76-3-203. Exemption for certain condominiums.**

Condominiums, townhomes, or townhouses, as those terms are defined in 70-23-102, constructed on land subdivided in compliance with parts 5 and 6 of this chapter or on lots within incorporated cities and towns are exempt from the provisions of this chapter if:

(1) the approval of the original subdivision of land expressly contemplated the construction of the condominiums, townhomes, or townhouses and any applicable park dedication requirements in 76-3-621 are complied with; or

(2) the condominium, townhome, or townhouse proposal is in conformance with applicable local zoning regulations when local zoning regulations are in effect."

{ Internal References to 76-3-203:

70-23-301a }"

**Renumber:** subsequent sections

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